

**UNITED STATES DISTRICT COURT, CLERK'S OFFICE
DISTRICT OF MASSACHUSETTS**

FILED
NOV 17 2006

<p>DAVID RIBEIRO, Plaintiff</p> <p>v.</p> <p>DAVID S. USHER, MARTIN W. NAREY, PAUL M. KELLY, JAMES D. BRIANT, MICHAEL HIGGINS, HOLYOKE POLICE DEPARTMENT, EMIL MORALES, OFFICER DONZE, DISTRICT ATTORNEY WILLIAM BENNETT, HOLYOKE POLICE DEPARTMENT, COMMONWEALTH OF MASSACHUSETTS and CITY OF HOLYOKE, Defendants</p>	<p>))</p>	<p>U.S. DISTRICT COURT DISTRICT OF MASSACHUSETTS</p> <p>CIVIL ACTION NO. 04-30201 MAP</p>
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**MOTION OF DEFENDANTS DAVID S. USHER, MARTIN W. NAREY, JAMES
D. BRIANT, OFFICER DONZE, EMIL MORALES, HOLYOKE POLICE
DEPARTMENT AND CITY OF HOLYOKE FOR SUMMARY JUDGMENT**

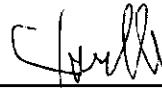
The above named Defendants by their counsel, pursuant to Rule 56 of the Federal Rules of Civil procedure, move this Honorable Court to enter summary judgment in their favor. As grounds therefore, the above Defendants refer the Court to the attached Memorandum of Law in Support of Motion for Summary Judgment and the following Exhibits:

- Exhibit A: Portions of the deposition of David Ribeiro (Pages 141; 155-57);
- Exhibit B: Certified copy of Hampden Superior Court Criminal Docket No. HDCR2004-00913;
- Exhibit C: Certified copy of David Ribeiro's motion to suppress unlawfully obtained confession; and
- Exhibit D: Statement of Undisputed Material Facts in Compliance with Local Rule 56.1 by Defendants Michael Higgins and Paul Kelly.

DATE: November 17, 2006

THE ABOVE NAMED DEFENDANTS

By

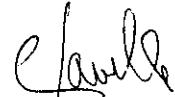


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CERTIFICATE OF SERVICE

I, Charles P. Lavelle, hereby certify that a true and correct cop[y of the Motion of the Defendants David S. Usher, Martin W. Nary, James Briant, Emil Morales, Officer Donze and the City of Holyoke, Memorandum of Law in Support of the Motion for Summary Judgment, and Statement of Undisputed Material Facts in Compliance with Local Rule 56.1 by Defendants Michael Higgins and Paul Kelly was served via U.S. Mail, first class postage prepaid, on the 17th day of November, 2006 to the following:

David Riberio, pro se
W85454
P.O. Box 43
Norfolk, Ma 02056



Charles P. Lavelle